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Attorney Docket No.: 8321-91 (37075-176775)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: David S. Strayer

Application No.: 10/045,904

Group Art Unit: 1616

Filed: November 7, 2001

For: USE OF INTRACELLULAR CALCIUM  
CHELATORS TO INCREASE SURFACTANT  
SECRETION IN THE LUNGS

Examiner: F. Choi

**DECLARATION OF DAVID S. STRAYER M.D., Ph.D. UNDER 37 C. F. R. § 1.132**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, David S. Strayer, declare as follows:

1. I am the sole inventor of the invention described and claimed in the above-identified patent application.

<b>CERTIFICATE OF MAILING</b> <b>UNDER 37 C.F.R. 1.8(a)</b>	
I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
BY	<u>Lori M. Aichele</u>
DATE:	<u>June 30, 2003</u>

2. I co-authored the paper "Cellular Activation by  $\text{Ca}^{2+}$  Release From Stores In The Endoplasmic Reticulum But not By Increased Free  $\text{Ca}^{2+}$  In The Cytosol" (1999), *Biochem. J.* 344: 39-46 (hereinafter "Strayer *et al.*") with Jan B. Hoek, Andrew P. Thomas, and Martyn K. White.

3. Jan B. Hoek, Andrew P. Thomas, and Martyn K. White did not contribute to the conception of the invention claimed in the patent application. They are not co-inventors of the invention.

4. Martyn K. White performed experimental work entirely under my direction.

5. Jan B. Hoek and Andrew P. Thomas did not make an inventive contribution to the above-identified patent application. Hoek and Thomas provided technical support and gathered and interpreted data. Any data interpretation by Hoek and Thomas did not change the direction of any experimentation, or contribute to the conception of the invention.

6. The idea that an intracellular calcium chelater could be used to enhance surfactant secretion without increasing the cytosolic free calcium concentration as a therapeutic measure to treat a respiratory distress was solely mine.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
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DAVID S. STRAYER, M.D., Ph.D.

  
\_\_\_\_\_  
Date